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Chief Clerk of the House

FILED JAN 23 2007

By: 

H. B. No. 699

A BILL TO BE ENTITLED

AN ACT

relating to the confidentiality of certain information involving  
real estate transactions of the School Land Board, Veterans' Land  
Board, General Land Office, or land commissioner.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 11.086, Natural Resources Code, is  
amended to read as follows:

Sec. 11.086. CONFIDENTIALITY OF CERTAIN INFORMATION  
RELATED TO PURCHASE, [OR] SALE, OR DEVELOPMENT OF REAL PROPERTY.

(a) Information relating to the development, location, [or]  
purchase price, or sale price of real property developed,  
purchased, or sold by or for the School Land Board, Veterans' Land  
Board, land office, or commissioner under authority granted by this  
code, including a contract provision related to the development,  
purchase, or sale of the property, is confidential and exempt from  
disclosure under Chapter 552, Government Code, until all deeds [a  
deed] for the property that are applicable to the transaction or  
series of related transactions are [is] executed and until all  
substantive performance or executory requirements of applicable  
contracts have been satisfied. Information that is confidential  
and exempted from disclosure under this subsection includes an  
appraisal, completed report, evaluation, or investigation  
conducted for the purpose of locating or determining the purchase  
or sale price of the property, or any report prepared in

1 anticipation of developing, purchasing, or selling real property.

2 (b) Information that is confidential and excluded from  
3 disclosure under Subsection (a) is not subject to a subpoena  
4 directed to the School Land Board, Veterans' Land Board, land  
5 office, commissioner, attorney general, or governor.

6 SECTION 2. This Act takes effect immediately if it receives  
7 a vote of two-thirds of all the members elected to each house, as  
8 provided by Section 39, Article III, Texas Constitution. If this  
9 Act does not receive the vote necessary for immediate effect, this  
10 Act takes effect September 1, 2007.

# HOUSE COMMITTEE REPORT

07 MAR 19 AM 11: 57  
HOUSE OF REPRESENTATIVES

1<sup>st</sup> Printing

By: Turner

H.B. No. 699

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# COMMITTEE REPORT

The Honorable Tom Craddick  
Speaker of the House of Representatives

03-14-2007  
(date)

Sir:

We, your **COMMITTEE ON LAND AND RESOURCE MANAGEMENT**

to whom was referred HB 699 have had the same under consideration and beg to report back with the recommendation that it

- ☒ do pass, without amendment.  
☐ do pass, with amendment(s).  
☐ do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.  
☒ yes ☐ no A fiscal note was requested.  
☐ yes ☒ no A criminal justice policy impact statement was requested.  
☐ yes ☒ no An equalized educational funding impact statement was requested.  
☐ yes ☒ no An actuarial analysis was requested.  
☐ yes ☒ no A water development policy impact statement was requested.  
☐ yes ☒ no A tax equity note was requested.  
☐ The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars.

For Senate Measures: House Sponsor \_\_\_\_\_

Joint Sponsors: \_\_\_\_\_

Co-Sponsors: \_\_\_\_\_

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Mowery, Chair	✓			
Orr, Vice-chair	✓			
Zerwas, CBO	✓			
Callegari	✓			
Cook, R.	✓			
Davis, Y.				✓
Geren	✓			
Pickett	✓			
Ritter	✓			

Total

8 aye  
0 nay  
0 present, not voting  
1 absent

Anna Mowery  
CHAIR

## **BILL ANALYSIS**

H.B. 699  
By: Turner  
Land & Resource Management  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Chapter 552, Government Code, governs what information a governmental body must submit to the public upon request. Chapter 552, Government Code, exempts from disclosure certain information relating to business transactions, primarily to protect a governmental body's negotiating position. In order to avoid uncertainty as to what information is not subject to disclosure in School Land Board (SLB), Veterans' Land Board (VLB), and General Land Office (GLO) transactions, the 77th Legislature added Section 11.086, Natural Resources Code, to specifically state what transactional information is confidential and exempt from disclosure, and provides that the exemption applies "until a deed for the property is executed."

The purpose of H.B. 699 is to expand the exemption in Section 11.086 to include the disclosure of transactional information that may not involve the transfer of land (no deed required) or that involves multi-deed transactions (sometimes called "take down" transactions), thereby protecting the Permanent School Fund from a competitive disadvantage.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

SECTION 1. *Amends Section 11.086, Natural Resources Code, as follows:*

Protects information from disclosure relating to the development of real property by or for the SLB, VLB, GLO, or the Commissioner of the GLO, including a contract provision related to the development, purchase, or sale of the property until all deeds for the property that are applicable to the transaction or series of related transactions are executed and until all substantive performance or executory requirements of applicable contracts have been satisfied.

SECTION 2. Effective Date.

### **EFFECTIVE DATE**

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.

## SUMMARY OF COMMITTEE ACTION

HB 699

February 21, 2007 8:00 AM or upon final adjourn./recess

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Considered in public hearing

Testimony taken in committee (See attached witness list.)

Left pending in committee

March 14, 2007 8:00 AM or upon final adjourn./recess

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Considered in public hearing

Reported favorably without amendment(s)

✓

2

**WITNESS LIST**

**HB 699  
HOUSE COMMITTEE REPORT  
Land & Resource Management Committee**

**February 21, 2007 - 8:00 AM or upon final adjourn./recess**

**Against: Narvaiz, Mayor, Susan (City of San Marcos, TML Member City)  
Toney, Doug (Texas Daily Newspaper Association  
Texas Press Association)**

**On: Letteri, Noelle C. (Texas General Land Office)  
Tanner, Bo (Tx General Land Office)**

*x*



**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

**February 19, 2007**

**TO:** Honorable Anna Mowery, Chair, House Committee on Land & Resource Management

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB699** by Turner (Relating to the confidentiality of certain information involving real estate transactions of the School Land Board, Veterans' Land Board, General Land Office, or Land Commissioner.), **As Introduced**

**No significant fiscal implication to the State is anticipated.**

The bill would require that certain aspects of real estate transactions remain confidential.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

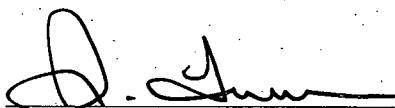
**Source Agencies:** 305 General Land Office and Veterans' Land Board

**LBB Staff:** JOB, WK, ZS, TL

H.B. No.

699

By



A BILL TO BE ENTITLED  
AN ACT

relating to the confidentiality of certain information involving real estate transactions of the School Land Board, Veterans' Land Board, General Land Office, or land commissioner.

JAN 23 2007

Filed with the Chief Clerk

FEB 06 2007

Read first time and referred to Committee on

Land and Resource Management

MAR 14 2007

Reported favorably (as amended)  
(as amended)

MAR 19 2007

Sent to Committee on (Calendars)

(Land & Resource Management)

Read second time (comm. subst.) (amended); passed to third reading (failed) by a (non-record vote)  
(record vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting)

Constitutional rule requiring bills to be read on three several days suspended (failed to suspend)  
by a vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting

Read third time (amended); finally passed (failed to pass) by a (non-record vote)  
(record vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting)

Engrossed

Sent to Senate

CHIEF CLERK OF THE HOUSE

OTHER HOUSE ACTION:

Received from the House

Read and referred to Committee on

Reported favorably

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time

Ordered not printed

Laid before the Senate

Senate and Constitutional Rules to permit consideration suspended by (unanimous consent)  
(\_\_\_\_\_ yeas, \_\_\_\_\_ nays)

Read second time, \_\_\_\_\_, and passed to third reading by (unanimous consent)  
(a viva voce vote)  
(\_\_\_\_\_ yeas, \_\_\_\_\_ nays)

Senate and Constitutional 3 Day Rules suspended by a vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays

Read third time, \_\_\_\_\_, and passed by a (viva voce vote)  
(\_\_\_\_\_ yeas, \_\_\_\_\_ nays)

Returned to the House

SECRETARY OF THE SENATE

OTHER SENATE ACTION:

\_\_\_\_\_ Returned from the Senate (as substituted)  
(with amendments)

\_\_\_\_\_ House concurred in Senate amendments by a (non-record vote)  
(record vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting)

\_\_\_\_\_ House refused to concur in Senate amendments and requested the appointment of a conference committee  
by a (non-record vote) (record vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting)

\_\_\_\_\_ House conferees appointed: \_\_\_\_\_, Chair; \_\_\_\_\_,  
\_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_ Senate granted House request. Senate conferees appointed: \_\_\_\_\_, Chair;  
\_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_ Conference committee report adopted (rejected) by the House by a (non-record vote)  
(record vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting)

\_\_\_\_\_ Conference committee report adopted (rejected) by the Senate by a (viva voce vote)  
(record vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays)

07 MAR 19 AM 11:57

HOUSE OF REPRESENTATIVES